

The STATE OF South Carolina  
In The Court of Appeals

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Appeal From Administrative Law Court  
Administrative Law Judge Dunder

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SC Court of Appeals

Case NO. 15-ALJ-04-0178-AP

Billy Lee Lisenby JR; #200273 ..... Appellant,

v.

South Carolina Department of Corrections ..... Respondent

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Initial Brief of Appellant

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Dated: Dec. 28<sup>th</sup>, 2015

Pro-Se

Billy Lee Lisenby JR; #200273

Ridgeland C. F

P.O. Box 2039

Ridgeland S.C. 29936

# Table of Authorities

## I. Statutes

S.C. Code Ann § 824-13-260 ..... 4

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I. Did The ALC err in not ruling that Respondent's fail to re-instate Appellant's 30 days goodtime in full and the 20 days he fail to earn for the month of March 2009?

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## Statement of The Case

On June 16<sup>th</sup> 2014 Appellant filed a grievance arguing that his goodtime has not been re-instated for Possession of Contraband charge, that had been overturned. It was denied on Aug. 7, 2014. On Aug. 15, 2014 Appellant appealed to his Step 2 and it was denied on 3-30-15, and it was later denied at the ALC level.

## Argument

After talking to his caseworker Tucker on 6-13-14 it was determined that, On March 3, 2009 at approx. 8:45 PM Appellant was charged with Poss. of Contraband. On March 31, 2009 Appellant was convicted of 8.17 contraband. The charge was overturned by the ALC and all sanctions were lifted, on 4-22-10 See Grievance TCI-377-09. In this case Appellant's goodtime was never re-instated, nor the 20 days he fail to earn for the month.

On page 5 The Respondents admit in the brief to the ALC that they did not reinstate Appellate's goodtime. It states as follows:

"Case #104 offense date was 03/03/09. Hearing date was 03/31/09 and inmate forfeited 20 days and lost 30, for a total of 50. The hearing results were entered 04/01/09. Inmate's monthly earning rate was 50.42 (not on EWC/EEC). Release date moved from 03/05/16 to 04/03/16 = 29 days. Case #104 was dismissed and entered on 06/04/10. Inmate's Release date remained the same at 07/13/16. It is noted that during the period from 03/31/09 and 06/04/10 this inmate was convicted of offenses #106, #108, #109 for total of combined goodtime of 210 days."

Regardless Appellant was not given his goodtime that he lost as a result of an illegal disciplinary hearing.

On the Step 2 grievance dated Aug. 15, 2014 answered on 3-30-15 and received 4-9-15 It states "Your concerns have thoroughly been reviewed. Case #104 was overturned and 30 days loss of goodtime was restored on April 22, 2010.

The Respondent's knowingly willing and intelligently violated Appellant by not Re-instating his 30 days goodtime. Even more Respondent's violated South Carolina's Code of Law § 24-13-260 Failure of Officer having charge of convict to allow deduction in time of serving sentence penalty:

"Any officer having charge of any such convict who shall refuse to allow deduction in time of serving shall be guilty of a misdemeanor and shall, upon conviction, suffer imprisonment for less than thirty days or pay a fine of not less than one hundred dollars."

Conclusion

Appellant ask that he be given his 30 days goodtime in full.

Dated: Dec. 28<sup>th</sup>, 2015

Respectfully Submitted,

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Certificate of Compliance

The undersigned hereby certifies that this Initial Brief of Appellant complies with Rule 211(b), SCACR and the Supreme Court's order of August 13, 2007.

Dated: Dec. 28<sup>th</sup> 2015

*Billy Lee Lisenby Jr.*

Billy Lee Lisenby Jr., #200273

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Billy Lee Lisenby JR, #200273 ..... Appellant,

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PROOF OF SERVICE

I hereby certify that I have served Respondent's a copy of Appellant's Initial Brief by depositing a copy of same in the United States Mail, postage prepaid, Dec. 28<sup>th</sup>, 2015, addressed to the Respondent's as follows:

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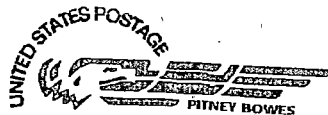
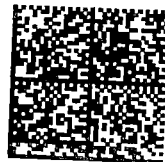
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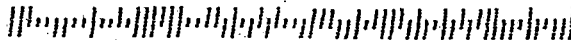
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